

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

MICHAEL J. GARVEY,

Plaintiff,

v.

SETERUS, INC., SUBSTITUTE TRUSTEE
SERVICES, INC., HUTCHENS LAW FIRM,
LACEY M. MOORE, CHRISTOPHER T.
SALYER, SHIANN SCHMIDT, SHAPIRO &
INGLE, LLP, MICHAEL JAY EMREY, KYLE
STEWART,

Defendants.

CASE NO.: 5:16-cv-00209-RLV

MOTION FOR ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT

NOW COMES Shapiro & Ingle, LLP, Michael Jay Emrey, and Kyle Stewart (collectively, “S&I Defendants”), by and through counsel and pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, showing the Court as follows:

1. Plaintiff filed a complaint in this cause on November 17, 2016.
2. Upon information and belief, the S&I Defendants were purportedly served with process in this case through Shapiro & Ingle, LLP’s registered agent for service of process – CT Corporation -- on December 2, 2016.
3. The S&I Defendants’ time to respond to the Complaint is necessarily timely, and this motion is not interposed for the purpose of delay. The S&I Defendants request additional time to formulate and prepare a response.

4. The undersigned has not conferred with the Plaintiffs regarding this motion because they are proceeding pro se.

5. Without waiving any equitable, legal, or procedural defense, the S&I Defendants request the time to respond to the Complaint be enlarged until and including January 23, 2017.

WHEREFORE, S&I respectfully prays for an order enlarging its time to respond to the Complaint until and including January 23, 2017.

This the 8th day of December 2016.

/s/ Jason K. Purser

Jason K. Purser

N.C. State Bar No. 28031

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ATTORNEYS FOR THE S&I DEFENDANTS

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Motion and proposed Order upon:

Michael J. Garvey
330 Walter Godbey Road
West Jefferson, NC 28694

David R. DiMatteo, Esq.
McGuire Woods LLP
201 North Tryon Street
Suite 3000
Charlotte, NC 28202
Attorney for Seterus, Inc.
(Via Email Only)

by depositing the same in a postpaid wrapper properly addressed to each party and depositing said wrapper in a post office or other official depository under the exclusive care and custody of the United States Postal Service or through email, as indicated above, through the CM/ECF system and as permitted by rule of court.

This the 8th day of December 2016.

/s/ Jason K. Purser